

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – April 4, 2023

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on April 4, 2023. Chair John P. Fahey convened the session at 9:00 a.m.

Members present: John P. Fahey, Chair, Gayle Degler, Tim Lynch and Matt Udermann.

Members absent: Tom Workman

No public comments were received.

Degler moved, Lynch seconded, to approve the agenda as presented. Motion carried unanimously.

Udermann made a motion to move consent items 5.11, 5.12 and 5.13 to the regular agenda. Motion failed for lack of a second.

Lynch moved, Degler seconded, to approve the minutes of the March 21, 2023, Regular Session. Motion carried unanimously.

Degler moved, Lynch seconded, to approve the below consent agenda items.

Udermann pointed out the Board Operating Rules that were revised in January did not give members the opportunity to remove an item off the consent agenda unless there was a majority vote. He stated he wanted to remove items 5.11, 5.12 and 5.13 not because he didn't agree with the contracts but because there is no ability to vote against one item which brought into the question what is consent. He clarified he would not be voting for the consent unless the items can be removed from consent. He stated he didn't agree with the funding mechanisms, and he wanted that level of transparency for items that are discussed in a work session to be available to the public so these funding sources are understood when there are large dollars involved

Fahey noted they had these same conversations at the last meeting, pointing out the earlier closed session and the plan to allocate these funds to meet the negotiation requirements.

Contract with Liberty Tire Recycling.

Resolution #25-23

Awarding the 2023 County Wide Crack Sealing Project Carver County Contract 23-210
Project #2301

WHEREAS, The County Engineer has secured and designated funding for this contract in the current fiscal year Road and Bridge budget; and

WHEREAS, On Friday, March 10th at 02:00 P.M. at Carver County Public Works, 11360 Highway 212, Cologne, Minnesota, four (4) quotes were received by Carver County Public

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Works for the 2023 County Wide Crack Sealing Project, said quotes for the responsible bidders are summarized as follows:

Bidder Name	Total Amount	% Over/Under Estimate
<i>Engineer's Estimate</i>	<i>\$140,026.76</i>	
Bargen, Inc.	\$401,831.8	186.97%
Fahrner Asphalt Sealers	\$254,722.28	81.91%
Kamco, Inc.	\$159,723.50	14.07%
Astech Surface Technologies Corp.	\$283,820.00	102.69%

And WHEREAS, after examination of the quotes by Carver County Public Works, Kamco, Inc. is the successful low responsible quoter.

NOW THEREFORE, BE IT RESOLVED that the Carver County Board of Commissioners hereby authorizes and directs the Carver County Board Chairman and Carver County Administrator to enter into Carver County Contract 23-120 with Kamco, Inc of Dassel, MN, in the name of the County of Carver for the construction of the 2023 County Wide Crack Sealing Project in accordance with the construction plans and specifications contained in the project manual; and

BE IT FURTHER RESOLVED that Carver County Engineer, or his designee, is hereby authorized to take actions necessary and to enter into all change orders on behalf of Carver County as the lead contracting agency for the project, with the approval of the partnering agency(ies) for their respective cost share increase. The approval of the Carver County Engineer, or his designee, of Carver County's cost share of the change orders is limited to an amount less than twenty five thousand dollars (\$25,000) and an increased aggregate project total of all project changes of fifty thousand dollars (\$50,000.00), when time is of the essence to make contract changes due to unforeseen construction conditions in order to minimize construction delays and to efficiently carry out the planned project improvements.

Approved professional services agreement with WSB & Associates, Inc., for material testing on 2023 construction projects in the amount of \$62,209 pending finalization of the contract review process.

Approved professional services agreement with Beltranslate Translation Services with a not to exceed amount of \$25,000 for the period beginning with the County Board's approval through 12/01/2024.

Contract with MN DHS for the AMHI HCBS FMAP grant in the amount of \$138,878.33 and related HH&S budget amendment.

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Approved the 2023 Aquatic Species Annual Plan and authorized the Chair to sign a watercraft inspection partnership agreement with the City of Chanhassen, pending completion of contract review.

Resolution #26-23

Authorizing County Staff to Execute All Necessary Documents To Ensure County Participation In The Additional Multistate Settlements Relating to Opioid Distributors, Manufacturers and Pharmacies And Authorizing County Staff to Execute The Amended Minnesota Opioids State-Subdivision Memorandum of Agreement

WHEREAS, the State of Minnesota and numerous Minnesota cities and counties are engaged in nationwide civil litigation against manufacturers, distributors and pharmacies of prescription opioids related to the opioid crisis; and

WHEREAS, in 2021, the Minnesota Attorney General has signed on to multistate settlement agreements with several pharmaceutical distributors, McKesson, Cardinal Health, and AmerisourceBergen, as well as opioid manufacturer Johnson & Johnson; and

WHEREAS, representatives of Minnesota's local governments, the Office of the Attorney General, and the State of Minnesota reached agreement on the intrastate allocation of the settlement funds between the State, and the counties and cities, as well as the permissible uses of these funds, which was memorialized in the Minnesota Opioids State-Subdivision Memorandum of Agreement (the "State-Subdivision Agreement"); and

WHEREAS, on December 21, 2021, the Carver County Board of Commissioners authorized county staff to execute documents for the participation in the settlement agreements with McKesson, Cardinal Health, and AmerisourceBergen, and Johnson & Johnson, as well as entering into the Minnesota Opioids State-Subdivision Memorandum of Agreement; and

WHEREAS, two pharmaceutical manufacturers, Teva and Allergan ("Manufacturers"), and three pharmacies, CVS, Walgreens, and Walmart ("Pharmacies") recently agreed to resolve claims with Minnesota and its subdivisions; and

WHEREAS, in 2023 the State-Subdivision Agreement was amended to apply to the five new settlements with the above-listed Manufacturers and Pharmacies; and

WHEREAS, there is a deadline of April 18, 2023, for Carver County to sign on to the above-referenced settlement agreements, and failure to timely sign on may diminish the amount of funds received by Carver County and by all Minnesota cities and counties from the settlement funds; and

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WHEREAS, participation in the settlement agreements with these Manufacturers and Pharmacies would also require the County to consent to an allocation model that mirrors the original Memorandum of Agreement (75% of the funds to the subdivisions and 25% to the State);

WHEREAS, the law firm of Lockridge Grindal Nauen PLLP and Gustafson Gluek PLLC represent many Minnesota counties, including Carver County, in this litigation and they recommend entering into the settlement agreements with the Manufacturers and Pharmacies; now, therefore,

BE IT RESOLVED, Carver County supports and opts into the settlements with Teva, Allergan, CVS, Walgreens and Walmart; and

BE IT FURTHER RESOLVED, Carver County authorizes county staff to execute all necessary documents to ensure Carver County participation in the settlements as well as the Amended State-Subdivision Agreement; and

BE IT FURTHER RESOLVED, Carver County consents to the allocation model for distribution of settlement funds as previously agreed to in the State-Subdivision Memorandum of Agreement.

Approved acceptance of twenty handmade quilts from St. Joseph's Catholic Church for Carver County Community Support Program participants.

Approved the elimination of seven .9 FTE Crisis Therapist and two .9 FTE Crisis Social Worker positions and addition of seven 1.0 FTE Crisis Therapist and two 1.0 FTE Crisis Social Worker positions.

Approved issuing a charitable gambling license to Zoar United Church of Christ for a raffle to be held on October 8, 2023.

Approved the Memorandum of Agreement with Teamsters Local 320 to provide a one-time, non-base lump sum retention recognition payment in the amount of one thousand (\$1,000) dollars for full-time employees and provide part-time employees with a pro-rated payment based on FTE, to employees in the positions of Detention Sergeant and Emergency Communications Supervisors and related budget amendment.

Approved the Memorandum of Agreement with Teamsters Local 320 to provide a one-time, non-base lump sum retention recognition payment in the amount of one thousand (\$1,000) dollars for full-time employees and provide part-time employees with a pro-rated payment based on FTE, to employees in the positions of Detention Deputy, 911 Dispatcher, and Terminal Agency Coordinator and related budget amendment.

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Approved the 2023-2024 AFSCME General Bargaining Unit Collective Bargaining Agreement and related budget amendment.

Adopted the Findings of Fact and issue Order #PZ20230006 for the issuance of a Conditional Use Permit, Adam Jeurissen, Dahlgren Township.

Adopted the Findings of Fact and issue Order #PZ20230007 for the issuance of a Conditional Use Permit, Lawrence Johnson, Jr, Hancock Township

Reviewed March 28, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$658,752.72 and reviewed April 4, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$715,020.20.

On vote taken to approve the consent agenda, Degler, Fahey, Lynch voted aye. Udermann voted nay. Motion carried.

Alex Carlson, representing the Metropolitan Mosquito Control, appeared before the Board to present their annual update. He noted the recent retirement of their Director and search for new replacement. He reviewed the history of the Mosquito Control, service area and services provided. He explained the mosquito life cycle and habitat. Carlson recognized last year was a drought year with not a lot of mosquitoes, but many counties had cases of West Niles.

Carlson identified other diseases they monitor for and indicated they practice integrated pest management through monitoring, surveillance and identifying species and location. Carlson reviewed control methods and indicated they determine control based on what they are seeing. Carlson pointed out they did larval control treatments to over 8,000 acres in Carver County

He explained their 2023 budget and indicated they did not seek a big increase for this year. Their plans for 2023 call for a search for a new Director, restoring full larval control, expanding services based on population growth and continuing to use the drone program for larval surveillance and control. He noted their mosquitos predictions for 2023 based on weather. Carlson pointed out information and maps available on their website, as well as the public outreach they do every year.

Chair Fahey thanked the District for the work the District does and for the update.

Lynch moved, Degler seconded, to adjourn the Regular Session and convene as the Ditch Authority. Motion carried unanimously.

Dave Frischmon, Finance, requested the Ditch Authority approve a contract to modernize ditch historical documents and update the ditch GIS layers. He explained H2O was in the process of completing a redetermination of ditch benefits and in order to complete the project they needed the modernization of records to determine ditch alignments and GIS

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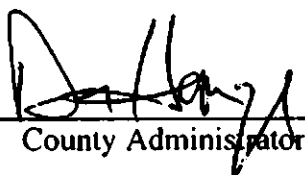
layers. Frischmon stated H20 recommended Houston Engineering for this work as they have worked with them in the past and staff supported that recommendation. He indicated the cost would be paid by the ditch property owners and no county levy dollars are spent.

Degler moved, Fahey seconded, to approve Houston Engineering's proposal to modernize the ditch historical documents and update the ditch GIS layer for a not to exceed cost of \$22,200 subject to County Attorney/Risk contract review. Motion carried unanimously.

Degler moved, Lynch seconded, to adjourn as the Carver County Ditch Authority. Motion carried unanimously.

Dave Hemze
County Administrator

ATTEST:


County Administrator


Chair